

Translation

PATENT COOPERATION TREATY



PCT

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference G 1948 PCT	FOR FURTHER ACTION See Notification of Transmittal of International Preliminary Examination Report (Form PCT/IPEA/416)	
International application No. PCT/EP2003/008176	International filing date (day/month/year) 24 July 2003 (24.07.2003)	Priority date (day/month/year) 09 August 2002 (09.08.2002)
International Patent Classification (IPC) or national classification and IPC A63B 49/00		
Applicant HEAD TECHNOLOGY GMBH		

<p>1. This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.</p> <p>2. This REPORT consists of a total of <u>5</u> sheets, including this cover sheet.</p> <p><input checked="" type="checkbox"/> This report is also accompanied by ANNEXES, i.e., sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).</p> <p>These annexes consist of a total of <u>3</u> sheets.</p>
<p>3. This report contains indications relating to the following items:</p> <p>I <input checked="" type="checkbox"/> Basis of the report</p> <p>II <input type="checkbox"/> Priority</p> <p>III <input type="checkbox"/> Non-establishment of opinion with regard to novelty, inventive step and industrial applicability</p> <p>IV <input type="checkbox"/> Lack of unity of invention</p> <p>V <input checked="" type="checkbox"/> Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement</p> <p>VI <input type="checkbox"/> Certain documents cited</p> <p>VII <input type="checkbox"/> Certain defects in the international application</p> <p>VIII <input type="checkbox"/> Certain observations on the international application</p>

Date of submission of the demand 08 March 2004 (08.03.2004)	Date of completion of this report 27 September 2004 (27.09.2004)
Name and mailing address of the IPEA/EP	Authorized officer
Facsimile No.	Telephone No.

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No.

PCT/EP2003/008176

I. Basis of the report

1. With regard to the elements of the international application:*

- ☐ the international application as originally filed
- ☒ the description:
 pages _____ 1-8 _____, as originally filed
 pages _____, filed with the demand
 pages _____, filed with the letter of _____
- ☒ the claims:
 pages _____, as originally filed
 pages _____, as amended (together with any statement under Article 19
 pages _____, filed with the demand
 pages _____ 1-22 _____, filed with the letter of _____ 05 August 2004 (05.08.2004)
- ☐ the drawings:
 pages _____ 1/4-4/4 _____, as originally filed
 pages _____, filed with the demand
 pages _____, filed with the letter of _____
- ☐ the sequence listing part of the description:
 pages _____, as originally filed
 pages _____, filed with the demand
 pages _____, filed with the letter of _____

2. With regard to the language, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item.

These elements were available or furnished to this Authority in the following language _____ which is:

- ☐ the language of a translation furnished for the purposes of international search (under Rule 23.1(b)).
- ☐ the language of publication of the international application (under Rule 48.3(b)).
- ☐ the language of the translation furnished for the purposes of international preliminary examination (under Rule 55.2 and/or 55.3).

3. With regard to any nucleotide and/or amino acid sequence disclosed in the international application, the international preliminary examination was carried out on the basis of the sequence listing:

- ☐ contained in the international application in written form.
- ☐ filed together with the international application in computer readable form.
- ☐ furnished subsequently to this Authority in written form.
- ☐ furnished subsequently to this Authority in computer readable form.
- ☐ The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.
- ☐ The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.

4. ☐ The amendments have resulted in the cancellation of:

- ☐ the description, pages _____
- ☐ the claims, Nos. _____
- ☐ the drawings, sheets/fig _____

5. ☐ This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).**

* Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report since they do not contain amendments (Rule 70.16 and 70.17).

** Any replacement sheet containing such amendments must be referred to under item 1 and annexed to this report.

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International Application No.
PCT/EP 03/08176

V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Claims	1-23	YES
	Claims		NO
Inventive step (IS)	Claims		YES
	Claims	1-23	NO
Industrial applicability (IA)	Claims	1-23	YES
	Claims		NO

2. Citations and explanations

1. Reference is made to the following documents:

- D1: EP-A-0 497 561 (RUBBERMADE ACCESSORIES), 5 August 1992 (1992-08-05) (cited in the application)
- D2: JP 60 168 473 A (AJIA WAASU KK), 31 August 1985 (1985-08-31)
- D3: US-A-5 106 086 (ACOSTA), 21 April 1992 (1992-04-21)
- D4: FR-A-2 725 908 (BIANCHI), 26 April 1996 (1996-04-26)

2. The application fails to meet the requirements of PCT Article 33(1) because the subject matter of claims 1 and 17 is not inventive (PCT Article 33(3)).

Document D1 is considered to be the prior art closest to the subject matter of claims 1 and 17. To the extent that the claims can be understood (see Box VIII below), the following features are disclosed in D1 (the references in parentheses are to D1): a sports racquet with a damping device that has a main body made of elastic material (e.g. polyvinyl chloride) and a connector element, designed so that the damping device can be attached "relatively loosely" to four,

six or eight of the longitudinal strings of the sports racquet, without "significantly" connecting the strings to each other.

The subject matter of claims 1 and 17 differs from the known sports racquet and damping device in that the main body is made of a foam material (claim 16; the material selected could be polyvinyl chloride).

However, this feature is just one of a number of obvious possibilities from which a person skilled in the art would choose according to the circumstances without making an inventive contribution when designing a new damping device of the type known from D1.

Moreover, the feature in question has already been employed for the same purpose in a similar damping device (see document D3, in particular column 2, lines 51 to 54). A person skilled in the art wishing to achieve the same purpose with a damping device as described in D1 could easily incorporate these features with corresponding results. It would thus be possible to arrive at a damping device as defined in claims 1 and 17 without making an inventive contribution. The subject matter of claims 1 and 17 therefore does not involve an inventive step (PCT Article 33(3)).

3. The dependent claims also have the following defects:

Claims 2-3, 5, 7-8 and 16-23

The supplementary features of dependent claims 2-3, 5, 7-8 and 16-23 do not add anything of an inventive nature because they are already known from D1.

Claims 4, 6 and 9-13

The supplementary features of dependent claims 4, 6 and 9-13 do not add anything of an inventive nature because they are already known from D2, D3 and D4.

Claims 14 and 15

Dependent claims 14 and 15 define only simple design features which a person skilled in the art could devise without making an inventive contribution (PCT Article 33(3)).

Box VIII

4. The relative terms "relatively loosely" and "significantly" in claims 1 and 17 have no generally accepted meaning and leave the reader uncertain about the meaning of the technical features referred to. Consequently the subject matter of these claims is not clearly defined (PCT Article 6).